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8 **UNITED STATES DISTRICT COURT**

9 **EASTERN DISTRICT OF CALIFORNIA**

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11 BENJAMIN JUSTIN BROWNLEE,

12   Plaintiff,

13   v.

14 J. BURNES, K. CLARK, M. RIVERA, P. RODRIGUEZ, AND J.J. FLORES,

15

16   Defendants.

Case No.: 1:23-cv-00376 JLT HBK (PC)

ORDER ADOPTING FINDINGS AND RECOMMENDATIONS IN FULL

(Doc. 21)

17

18   The assigned magistrate judge issued Findings and Recommendations, recommending that

19 Plaintiff be permitted to proceed on his Eighth Amendment excessive use of force claims against

20 Defendants Burnes, Rivera, Rodriguez, and Flores; his Eighth Amendment sexual assault claims

21 against Defendants Rivera and Rodriguez; and his Eighth Amendment failure to intervene claim

22 against Defendant Flores. (Doc. 21.) The magistrate judge recommended that all remaining

23 claims and Defendants be dismissed. (*Id*. at 10.) On November 8, 2023, Plaintiff filed a notice

24 indicating that he does not object to the Findings and Recommendations. (*See* Doc. 22.)

25   According to 28 U.S.C. § 636(b)(1)(C) and Local Rule 304, this Court conducted a *de*

26 *novo* review of this case. Having carefully reviewed the entire file, the Court concludes the

27 Findings and Recommendations are supported by the record and proper analysis. Thus, the Court

28 **ORDERS**:

1.   The Findings and Recommendations, issued October 18, 2023 (Doc. 21), are **ADOPTED** in full.

2.   The Clerk of Court is directed to correct the docket to reflect that Defendant Clark has been dismissed by operation of law.

3.   The case is remanded to the assigned magistrate judge for further proceedings.

IT IS SO ORDERED.

Dated: **November 13, 2023**

UNITED STATES DISTRICT JUDGE